

AAN-CV18-6026839-S : J.D. OF ANSONIA - MILFORD  
HUSH IT UP, LLC : AT MILFORD  
V. :  
PLANNING & ZONING COMMISSION :  
OF THE CITY OF SHELTON : JULY 23, 2019

**OBJECTION TO MOTION FOR CONTEMPT**

In accordance with the direction of the Court the Shelton Planning and Zoning Commission with the aid of its staff has reviewed the record and determined that parking spaces required for the appellant's use are 35 in number. This information and calculation is more detailed in Schedule A hereto attached.

THE DEFENDANT

By: 102585/fat  
Francis A. Teodosio  
Teodosio Stanek, LLC  
375 Bridgeport Avenue  
Shelton CT 06484  
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CERTIFICATION

I hereby certify that a copy of the foregoing was mailed on July 23, 2019 to all counsel and pro se parties of record as follows:

Attorney Jonathan Klein  
1445 Capitol Avenue  
Bridgeport CT 06604  
(203) 330-1526

102585/fat  
Francis A. Teodosio

# **Schedule A**

## Ken Nappi

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**From:** Tony Panico <ajpanico@yahoo.com>  
**Sent:** Tuesday, July 2, 2019 1:58 AM  
**To:** Francis A. Teodosio Esq.  
**Cc:** Ken Nappi  
**Subject:** HUSH parking requirements  
**Attachments:** SPZC SEC.42 Pkng Eff copy PDF.pdf

*Draft*

Fran,

It appears to me that the applicable parking standard for the proposed HUSH cafe is found in Sec. 42 of the Shelton Zoning Regulations (copy attached), under Commercial and Industrial Sales, Service and Manufacturing Uses, Standard 31 and it states as follows:

Use: Restaurant, cocktail lounge or similar use for sale or consumption of food or beverage on the premises with more than sixteen (16) seats:

One (1) parking space for each one hundred (100) square feet of gross floor area plus one (1) additional space for each 50 square feet of patron bar and/or cocktail lounge area.

In order to do an accurate calculation of required parking it is necessary to have an accurate floor plan to calculate the various amounts of floor area devoted to specific uses. I do not have such a plan, however from a sketch attached to the Statement of Use dated 11/15/17 included with their zoning application, I attempted to make some estimates of food areas. From those estimated areas, I determined the approximate number of required off-street parking spaces needed, as follows:

Gross floor area: 1424 square feet less  
Estimated non-patron areas. 350 " " (bar work area, rest rooms, entry, hall, stairs,)

Net Patron Floor Area 1074 square feet

Parking Required: 1424 sq. ft. @ 1sp./100 sq.ft. = 14+ spaces  
plus 1074 sq. ft. @ 1sp./50 sq.ft. = 21+ spaces

Total Required Off-Street Parking: 35+ spaces\*

\* This number may go up or down based upon more accurate floor area calculations

This represents the best I can do based on the available information.

Also, Ken and staff are researching the records to be sure there were no further amendments to the parking standards.

Call me at 203-887-8684 if you need to discuss this information further.

## SHELTON PLANNING AND ZONING COMMISSION

### PROPOSED ZONING REGULATIONS AMENDMENT

Sept. 18, 2012; Rev. 8/22/13 (As **ADOPTED** 8/28/13 **EFFECTIVE** Sept. 13, 2013 @ 8:00 a.m.)

#### SECTION 42 – OFF-STREET PARKING AND LOADING

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**42.1 General:** It is the purpose and intent of this **Section** to assure that parking spaces and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking and loading spaces required to be provided by this **Section** shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. If any existing use of land, building or other structure is changed to a use requiring additional off-street parking and loading spaces to comply with this **Section**, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Any existing use which does not conform to the standards of this **Section** shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless there is available off-street parking and loading spaces for such new use as required by this **Section**. All off-street parking and loading spaces hereafter established, whether required to be provided by this **Section** or not, shall conform to the design and construction standards hereinafter specified as well as to any standards and conditions for approval of a **Site Plan** or **Special Exception** under these Regulations.

2. **Parking Space Standards:** Off-street parking spaces shall be provided in accordance with the following minimum standards. Parking must be located on the same lot as the use it serves unless the Commission approves parking on another lot as authorized herein as part of a **Site Plan** or **Special Exception** approval. In no case shall required spaces be located more than 500 feet from the entrance to the use they serve. As required by the Americans With Disabilities Act (ADA), designated parking for disabled persons shall be provided for all uses. Each such space shall be marked with one international accessibility symbol and posted with a sign in accordance with the ADA. Said space shall be located as close as practical to an accessible entrance to the use it serves. Striping specifications for said spaces shall comply with the ADA and its sign must be placed so that it is not obscured by a vehicle parked in that space. All off-street parking requirements shall not be subject to variance by the Zoning Board of Appeals without the consent of the Commission.

## **USE CLASSIFICATION**

## **MINIMUM SPACES REQUIRED**

### **Residential, Public and Semi-Public Uses**

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|---|--|
| 1. Dwellings containing one or two dwelling units:                          | Two (2) spaces per dwelling unit (DU):   |
| 2. Dwellings containing three (3) or more owner-occupied (condominium) DUs: | Two (2) spaces per dwelling unit plus 0.5 visitor spaces per unit  |
| 3. Dwellings containing three or more rental apartment DUs:                 |  |
| a. Efficiency/Studio DUs:   | One and one quarter (1.25) parking spaces per rental apartment unit  |
| b. One & two bedroom DUs:   | Two (2) parking spaces per rental apt.   |
| unit for the first five (5) DUs. After the                                  | first five (5) DUs, one  |
| and one half  | (1.5) spaces per rental  |
| apartment DU.   |  |
| c. Three or more bedroom DUs:   | Two and one half (2.5) parking spaces per rental apartment DU.   |
| d. Visitor parking:   | In addition to the above, one (1) visitor space per two (2) rental apartment units.                                  |
| 4. Community residence, rooming houses or rooms to let in a dwelling unit:  | One (1) parking space for each guest room, bedroom or rooming unit.  |
| 5. Customary Home Occupation  | In addition to residential requirements, one (1) space for each non- resident employed and one (1) additional space. |
| 6. Professional Office in a DU:   | In addition to residential requirements, one (1) space for each non-resident employed and one (1) additional space   |
| 7. Places of worship, clubs & lodges:                                       | One (1) space per 10 linear feet of pew/bench  |

and/or four (4) fixed seats in the main assembly room or one (1) space for each twenty (20) square feet in the main assembly room.

8. Country clubs, swim clubs and similar recreational uses:  
  
agreed upon by the Commission. One (1) space per each three (3) persons, based on the maximum capacity of all facilities capable of simultaneous use, as determined by the Manager and
9. Hospitals, convalescent homes, nursing homes and similar facilities: One (1) space for each three (3) patient beds one (1) space for each 1.5 employees

### **Commercial and Industrial Sales, Service and Manufacturing Uses**

1. Art gallery: One (1) space for each three hundred fifty (350) square feet of gross floor area.
2. New and used automobile, boat, camper or similar vehicle sales or rental business: One (1) parking space for each one thousand (1,000) square feet of gross land area used for sales and display purposes
3. Barber or beauty shop: One and one half (1.5) parking spaces for each work station
4. Bank, financial institution, public or private utility office: One (1) parking space for each two hundred (200) square feet of gross floor area
5. Bed and breakfast establishment: One (1) parking space for each guest unit in addition to parking requirements for the owner/occupant
6. Billiard parlors: One (1) parking space per one and one half (1.5) billiard tables
7. Bowling alleys: Four (4) parking spaces for each bowling lane
8. Bus depots: One (1) parking space for each one hundred (100) square feet of waiting room space
9. Business or professional offices: One (1) parking space for each two hundred fifty (250) square feet of gross floor area
10. Carwash: Vehicle stacking space for not less than five (5) - vehicles per washing station and sufficient parking to satisfy the needs of all services provided, plus not less than one (1) space per employee on the maximum work shift.

11. Self service cleaning or laundry use or similar personal service use: One (1) parking space for each two (2) cleaning, washing and/or drying machines.
12. Cleaning Plant: One (1) parking space for each three hundred (300) square feet of gross floor area
13. Automotive services, repair shops, garages, wholesale uses: One (1) parking space for each two hundred (200) square feet of gross floor area (including display)
14. Convenience markets: One (1) parking space for each two hundred (200) square feet of gross floor area
15. Day nursery or nursery school: one (1) parking space for each staff member plus convenient parking for drop-off and pickup at the ratio of one (1) space for each five (5) students of the peak enrollment session, but no less than five (5) such spaces.
16. Dry cleaner's store: One (1) parking space for each two hundred (200) square feet of gross floor area
17. Drive-through uses:
  - a. Bank or financial: Vehicle stacking for not less than five (5) vehicles.
  - b. Food Establishments for the sale or consumption of food or beverage on the premises with more than sixteen (16) seats: Vehicle stacking for not less than four (4) vehicles before the ordering area shall be required; the Commission may require additional stacking area for typically high activity drive-thru uses.
  - c. Food Establishments for the sale or consumption of food or beverage on the premises with sixteen (16) seats or less: Vehicle stacking for not less than six (6) vehicles before the ordering area shall be required; the Commission may require additional stacking area for typically high activity drive-thru uses.
  - d. Convenience markets: A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window
  - e. Dry cleaning store: A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window
  - f. Pharmacies: A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window
  - g. Other: A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window; the Commission may require additional



	stacking area for typically high activity drive-thru uses.
18. Food store, supermarket:	One (1) parking space for each one hundred fifty (150) square feet of gross floor area for buildings up to 10,000 square feet gross floor area plus one (1) space for each additional two hundred (200) square feet of gross floor area in excess of ten thousand (10,000) square feet gross floor area.
19. Furniture and/or appliance stores:	One (1) parking space for each seven hundred fifty (750) square feet of sales display area
20. Gas service stations:	One (1) stacking space per two (2) pumps, plus two (2) parking spaces per service bay
21. Golf courses (private and public):	Six (6) parking spaces per green
22. Gymnasiums and health studios:	One (1) parking space per three hundred (300) square feet of exercise area
23. Hotels, motels:	One and one quarter (1.25) parking space per guest unit
24. Manufacturing or industrial uses, including office or other incidental operation on the site:	One (1) parking space for each 1.5 employees but not less than 1 parking space per 750 sq. ft. of gross floor area
25. Medical or dental offices:	One (1) parking space per two hundred (200) square feet of gross floor area
26. Miniature golf courses and/or golf ranges:	One and one half (1.5) parking spaces for driving each hole of the course and/or driving range station.
27. Mortuaries, funeral homes:	One (1) parking space per three (3) persons of maximum capacity as determined by the Fire Marshall, but not less than 15 spaces per viewing room, plus one (1) space per each commercial funeral vehicle
28. Heavy equipment and machinery sales:	One (1) parking space per one thousand (1,000) square feet of outdoor land display area and/or one (1) space for each 750 sq. ft. of gross floor area
29. Planned shopping centers:	Four (4) parking spaces per 1,000 sq. ft. or as approved by the P&Z Commission
30. Plant nursery, garden shop:	Five (5) parking spaces plus one (1) additional parking space for each two thousand (2,000) square feet of sales or display area

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|---|---|
| 31. Restaurant, cocktail lounge or similar use for sale or consumption of food or beverage on the premises with more than sixteen (16) seats: | One (1) parking space for each one hundred (100) square feet of gross floor area plus one (1) additional space for each 50 square feet of patron bar and/or cocktail lounge area.   |
| Restaurant primarily for sale of food and beverages off premises with sixteen (16) seats or less:   | One (1) parking space for each two hundred (200) square feet of gross floor area  |
| 32. Retail, general:  | One (1) parking space for each two hundred (200) square feet of gross floor area  |
| 33. Skating rinks, dance halls/dance studios:   | One (1) parking space per two hundred fifty (250) square feet of gross floor area   |
| 34. Theater or auditorium:  | One (1) parking space for each three (3) seats in the main assembly room  |
| 35. Warehouse and distribution industry:  | One (1) parking space for each two thousand (2,000) square feet for the first twenty thousand (20,000) square feet; one (1) parking space for each four thousand (4,000) square feet of floor area of the remaining building area |
| 36. Wholesale:  | One (1) parking space for each five hundred (500) square feet of gross floor area   |

### **Handicapped Parking Spaces**

#### **Use**

1. Designated parking for disabled persons shall be provided for all uses as designated by the Americans With Disabilities Act.

#### **Minimum Off-Street Parking Requirements**

Each handicapped space shall be marked with an international accessibility symbol and posted by a sign in accordance with the Americans With Disabilities Act and located as close as practical to an accessible entrance to the building. The sign must be placed so that it is not obscured by a vehicle parked in that space. The striping specifications for handicapped spaces shall comply with the Americans With Disabilities Act. The total number of required parking spaces shall be determined by the Building Official.

### **Other Uses Not Specifically Covered Above**

The Commission shall determine the number of parking spaces needed to adequately serve the proposed use and adequately preserve the intent of this SECTION 42.

3. **Loading Space Standards:** Each hospital, hotel, motel, retail store building, undertaker's establishment, restaurant, tavern, bar, nightclub, warehouse, wholesale business, trucking terminal, contractor's business, research laboratory and establishment for the manufacture, processing or assembling of goods, having a ground floor area in excess of 4,000 square feet, shall have one (1) off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements, and located on the same lot with the building.

4. **Classification of Uses:** Whenever two or more classifications provided in Paragraph 42.2 shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each type of use.

**42.4.1 Municipal Parking Facilities:** In the Central Business Core Area(CBCA)/Central Business District overlay zone, a significant supply of municipal off-street parking is available under the direction of the Shelton Parking Authority. Therefore any required parking not available on-site may be satisfied in part through an agreement with said Shelton Parking Authority to provide all or a portion of said required parking. In lieu thereof, under the provisions of the Connecticut General Statutes and in accordance with policies and procedures of the City of Shelton, an applicant may enter into an agreement with the City for payment in lieu of providing all or a portion of said required parking and reserving said spaces in available, municipal off-street parking facilities, provided said facilities are in close proximity to the area of need.

**42.4.2 Shared Parking:** For mixed-use developments involving multi-family residential uses in combination with other appropriate non-residential uses, the Commission may allow a credit for shared parking. For studio and one-bedroom apartments, said credit shall not exceed 0.5 spaces per dwelling unit and for two or more bedroom apartments, said credit shall not exceed 1.0 spaces per dwelling unit. The Commission at its sole discretion may deny such credits where the peak demand of the non-residential use occurs in the evening hours.

- 42.5 Joint Use:** Except where the required parking must be located on the same lot with the building, joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required. Acceptable evidence as to the permanency of jointly-provided parking spaces shall be provided by the applicant.

6. **Modification of Standards:** The Commission may, in connection with the approval of a **Site Plan** or the granting of a **Special Exception**, authorize a lesser number of off-street parking and/or loading spaces than specified in Par. 42.2 and 42.3 or authorize such spaces to be located on a lot other than the lot where the use is located, if the Commission determines that the following standards and conditions are met:

- 6.1. The number of spaces provided on the **Site Plan** are sufficient in number to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the Application for a **Certificate of Zoning Compliance**;

42.6.2 There is sufficient and suitable area on the lot to provide in the future the full number of spaces specified in Par. 42.2 and 42.3;

3. That any spaces located on another lot are conveniently accessible to persons normally using or visiting the use and that traffic congestion and on-street parking and loading will not result; and
4. The authorization shall be applicable only to the particular use or occupancy of land, buildings and other structures specified in the Application for a **Certificate of Zoning Compliance** and approved by the Commission. Such authorization shall become null and void upon any change in the use or occupancy to another use or occupancy.

- 42.7 **Design and Construction Standards:** All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

42.7.1 **Dimensions:** Each parking space shall constitute an area of such shape as to contain a rectangle of not less than nine (9) feet by 20 feet, with vertical clearance, access and slope as to accommodate one (1) automobile. For spaces located in or on a building or structure, said rectangle may be reduced to an area of 160 square feet. When the end of a parking space is adjacent to and capable of overhanging a curbed, sidewalk, landscaped area or island, the length of the space may be reduced to 18 feet by allowing the curbing to function as a wheel stop. Each loading space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate trucks of the type servicing the lot; at a minimum, such space shall be not less than 12 feet in width and 30 feet in length with a vertical clearance of 15 feet.

42.7.2 **Access:** Each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile having an overall length of 18 feet, can approach the space and execute any necessary backing and turning movements

without need to use any part of a public street right-of-way and can exit onto the street in a front forward direction; the front forward exit requirement shall not apply to parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units, an office in a dwelling and rooms to let in a dwelling when the sole driveway access to such spaces does not connect to a State Highway. No off-street loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way to back into such space. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. Off-street parking facilities shall be designed in accordance with acceptable standards of layout and design and as necessary to satisfy the Connecticut Building Code for handicapped spaces.

**42.7.3 Improvement:** All off-street parking and loading spaces shall be suitably improved, graded, stabilized, drained and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street or adjacent property. Except as may be otherwise authorized at the sole discretion of the Commission, the entire parking area, including parking spaces and maneuvering lanes, shall be surfaced with bituminous concrete or portland cement concrete in accordance with specifications approved by the City Engineer. The Commission may authorize an alternative pavement and/or surface treatment or may defer the installation of all or some portion of final pavement and/or curbing provided suitable arrangements are made to assure completion of such pavement/curbing when so ordered. In commercial and industrial districts, when recommended by the City Engineer and approved by the Commission, curbing shall be constructed of portland cement concrete.

**42.7.4 Layout:** All off-street parking and loading areas shall be provided with spaces of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such spaces as to allow safe and convenient use of each parking space. A "parking bay" consists of two (2) parallel rows of parking stalls, separated by an aisle for access and maneuvering into said stalls. All proposed uses and changes of use shall be provided with sufficient handicapped parking spaces as required by the Connecticut State Building Code. Location, design standards and identification signage for such spaces shall comply with said Code. Provision shall be made for safe and convenient use of all parking spaces and for circulation within parking areas as follows:

- a. By provision of suitable circulation driveways giving access to parking aisles and spaces;
- b. By provision for safe pedestrian circulation within parking areas;

- c. By providing for channelized traffic flow within parking areas, including provision of curbed, raised and landscaped linear islands to separate any two (2) parking bays from any other bay; and
- d. By suitable markings, curbs, end islands, fences or other devices to encourage proper and efficient use of each parking space, providing that not more than 16 parking spaces shall be permitted in any continuous row without being interrupted by a curbed, raised and landscaped island having a minimum width of nine (9) feet.

No loading space shall be arranged in such manner as to obstruct use of required parking spaces or traffic circulation within the parking areas.

**42.7.5 Driveways:** There shall be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall be not less than 15 feet in width for one-way travel and not less than 24 feet in width for two-way travel, measured at the street line. Driveways shall have a maximum grade of ten percent (10%). However, limited portions of driveways may have a grade of up to 12% over a length of 100 feet provided that multiple 12% lengths of driveway are separated from each other by not less than 100 feet of driveway at grades less than 10%. Where the driveway pavement intersects with the street pavement, it shall be provided with a minimum inside radius of 15 feet unless a larger radius is required by the Town or State. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by Town Ordinance or by the State of Connecticut.

**42.7.6 Location - Loading:** No off-street loading spaces or access aisles in connection therewith shall be located in the area required for setback from a street line or Residence District boundary line or within 10 feet of any side line; in Residence Districts no such space shall be located in any required yard area.

7. **Location - Parking:** Except for parking spaces provided in connection with a single family dwelling, an office in a dwelling and rooms to let in a dwelling, all off-street parking spaces and/or access aisles in connection therewith, located within 10 feet of any street line shall be separated from such right-of-way by a concrete curb, a fence or by an embankment not less than 24 inches in height and shall be provided with such curb, fence, wall barrier or embankment in such a manner that cars will not overhang the street line. No parking space or access aisle in connection therewith shall extend within five (5) feet of any side property line, except for permitted driveway entrances, and approved interconnections with adjoining properties. In Residence Districts, off-street parking shall also conform to the following minimum standards:

- a. No off-street parking spaces shall extend to within less than five (5) feet of any dwelling;
- b. Not more than 50% of the area required for setback from a street line shall be used for driveways and off-street parking and except for necessary driveway entrances, any parking spaces and their access drives located within the area required for setback from a street line shall be separated from such street line by a landscaped planting strip having a minimum width of six (6) feet; and
- c. The aggregate lot coverage of all buildings, other structures and off-street parking and loading spaces, including driveways, shall not exceed the maximum total impervious lot coverage allowed under **SCHEDULE B** of these Regulations.

**42.7.8 Landscaping:** Except for parking spaces provided in connection with a single family dwelling, an office in a dwelling and rooms to let in a dwelling, and except for permitted driveway entrances, parking spaces and sidewalks, the area required for setback from a street line and side property line shall be suitably landscaped with trees and/or shrubs, lawn, washed gravel or other appropriate ground cover. In other than Residence Districts, when parking spaces and access drives are located within 20 feet of a street line, said areas shall be separated from such street line by appropriate landscaping and/or berming in such a manner as to soften the visual impact of said areas. A strip of land not less than 12 feet in width along and adjacent to any Residence District boundary and five (5) feet in width along any property line the opposite side of which is devoted to single family residential use, shall be landscaped and planted with an effective buffer to a height of not less than four (4) feet above the parking surface for screening headlight glare. Such buffer shall consist of evergreen trees or shrubs planted not more than four (4) feet apart or a combination of evergreen plantings and berms or appropriate screen fencing.

In addition to the above, for parking facilities exceeding 30 spaces, interior landscaping area shall be provided as follows:

- a. Within the interior of the parking facility, landscaped areas shall be provided at the ratio of one square foot of landscaped area for each 20 square feet of parking lot, and shall be located in a manner that breaks up the expanse of pavement throughout the lot.
- b. Each interior landscape area shall have a minimum area of 150 square feet.
- c. There shall be at least one (1) deciduous tree for each 100 square feet of interior landscape area and each interior landscaped area shall contain at least one (1) tree.

- 42.8 Waiver of Immediate Installation:** With respect to the installation of parking spaces required by this **Section**, the Commission may, upon the request of any property owner or other applicant, waive the immediate installation of not more than 25% of the required number of parking spaces upon the following conditions:
- a. that the parking plan submitted to the Commission show the layout for the full parking requirement and identify those spaces for which waiver of immediate installation is requested;
  - b. that the Commission find the reduced number of parking proposed to be installed will adequately serve the proposed development;
  - c. that the owner file with the Commission and note on the parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so;
  - d. that the Commission at its sole discretion may require posting of appropriate bonding to assure the installation of said deferred spaces, which bonding shall be maintained in effect for a maximum period of two (2) years; and
  - e. that the agreement herein referred to be incorporated by reference as a covenant in any **Special Exception** approval, the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such **Special Exception** approval recorded on the land records.